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July 23, 2007

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VIA HAND-DELIVERY & ELECTRONIC FILING

Hon. Joseph C. Spero
United States Magistrate Judge
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *State of California, et al. v. Infineon Technologies AG, et al.*
Case No. C-06-4333 (PJH), Master File No. M-02-1486 (PJH)

Dear Judge Spero:

On June 29, 2007, this Court entered the following Order in this matter:

The Court has received a letter dated June 20, 2007, [Docket No. 158] which it interprets as a Motion to Compel the Deposition of Steven R. Appleton, Chairman of the Board, Chief Executive Officer and President of Defendant Micron Technologies, Inc. For the reasons stated on the record at the telephonic hearing on June 29, 2007, at 11:00 a.m., and good cause appearing, the Motion is DENIED without prejudice. The parties are directed to meet and confer, and file a joint letter no later than July 23, 2007, regarding whether or not Mr. Appleton should be deposed regarding: (1) the decision in the Fall of 2001 to reduce capacity or supply; and (2) documents BATES number SSI 0005296507-8.

Counsel for Micron and counsel for the State of California jointly submit this letter pursuant to the Court's June 29 Order.

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On July 11, 2007, counsel for Micron met and conferred with counsel for the State of New York and counsel for the State of California concerning capacity and supply issues relating to Micron. Counsel for Micron offered to make Jay Hawkins, Micron's Vice President for Operations, available for deposition on capacity and supply issues at the earliest convenience of the parties. Counsel for the State of New York requested that Micron produce additional documents relating to capacity and supply before Mr. Hawkins' depositions. Micron is currently evaluating the request by counsel for the State of New York, and anticipates a further meet-and-confer with counsel for the State of New York and counsel for the State of California in the near future to address this request by the State of New York.

Micron maintains its position at the June 29 hearing that Mr. Appleton's further deposition testimony will be unnecessary and inappropriate, as Mr. Hawkins will be deposed on capacity and supply issues. The State of California maintains its position, as stated at the June 29 hearing.

Counsel for Micron and counsel for the State of California expect Mr. Hawkins to be deposed on capacity and supply issues once the parties resolve the issues raised by the State of New York with respect to capacity and supply documents. Counsel for Micron and counsel for the State of California jointly suggest that the parties submit a further status update letter on this issue 30 days from the date of this letter; *i.e.*, by August 22, 2007, to advise the Court of the status of this issue at that time.

Respectfully submitted,



G. Charles Nierlich
Counsel for the Micron Defendants



Emilio Varanini
Counsel for the State of California

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Dated: 7/24/7

